

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN FRANCIS,
02253451,
Plaintiff,

v.

FNU LNU,

Defendant.

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Civil Action No. **3:25-CV-16-L-BW**

ORDER

On March 20, 2025, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 4) was entered, recommending that the court **dismiss without prejudice** *pro se* John Francis’s (“Plaintiff” or “Mr. Francis”) Civil Complaint (“Complaint”) (Doc. 3). No objections have been filed, and the 14-day period to object after service of the Report has passed. *See* Fed. R. Civ. P. 72(b)(1)(2); 28 U.S.C. § 636(b)(1)(C). For the reasons stated herein, the court **accepts** the Report as that of the court.

The magistrate judge construed the allegations in Mr. Francis’ Complaint as a challenge pursuant to 42 U.S.C. § 1983, in which he challenges the conditions of his current confinement. Magistrate Judge Brian McKay concluded that Plaintiff’s claims are frivolous. He determined that since February 2024, Mr. Francis has filed over 20 civil actions using the same format. Report 2. The magistrate judge determined that Plaintiff has not filed an application to proceed *in forma pauperis*, paid the filing fee, or filed a complaint that satisfies the pleading requirements pursuant to Federal Rule of Civil Procedure 8(a). *Id.* Moreover, the magistrate judge found that, at the time of the Report, Plaintiff had been warned that if he persisted in filing frivolous lawsuits, he could be sanctioned by the court. *Id.* (citing *Francis v. FNU LNU*, No. 3:25-CV-

209-S-BK, Dkt. No. 7 (N.D. Tex. Mar. 4, 2025); *Francis v. NFN Doe*, No. 3:24-CV-3261-S-BK, Dkt. No. 7 (N.D. Tex. Mar. 4, 2025)). Since the Report was filed, this court sanctioned Plaintiff and barred him from filing future actions without obtaining leave from a magistrate or district judge. *See Francis v. John Doe*, No. 3:24-cv-03143-L-BK, Doc. 6 (N.D. Tex Mar. 26, 2025).

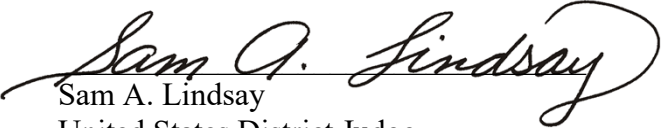
In addition to Mr. Francis's insufficient pleadings, the magistrate judge determined that Mr. Francis does not cite any basis for venue in this district. Report 3. Moreover, the magistrate judge determined that Mr. Francis does not cite a basis for venue in this district, does not identify any defendant that resides in this district, and does not allege that any event or omissions occurred in this district. *Id.* Magistrate Judge McKay concluded and recommended that because Plaintiff continues to file cases in the improper venue despite multiple transfers of his cases, it is not in the interest of justice to transfer this case, and the court should dismiss this case rather than transfer it. *Id.* at 4.

Having considered Plaintiff's pleadings, the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action and claims by Mr. Francis.

The court also prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of

the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 8th day of April, 2025.


Sam A. Lindsay
United States District Judge